

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re:	) Case No. 10-19810
	)
Julie Margaret Weaver,	) Chapter 7 Case
	)
Debtor.	) Judge Randolph Baxter

**TRUSTEE'S OBJECTION TO APPLICATION TO PROCEED IN FORMA  
PAUPERIS**

Now comes the Trustee and Objects to the Debtor's Application to Proceed in Forma Pauperis. The applicable statute is 28 U.S.C. §1930(f)(1) which provides:

**(f)(1)** Under the procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and is unable to pay that fee in installments. For purposes of this paragraph, the term "filing fee" means the filing fee required by subsection (a), or any other fee prescribed by the Judicial Conference under subsections (b) and (c) that is payable to the clerk upon the commencement of a case under chapter 7.

28 U.S.C. §1930(f)(1).

The 150% poverty level for a household of one is \$1,353.75 per month. According to the Debtor's Schedule I, her monthly gross income is \$1,122.59, which is inconsistent with her pay advices filed in the case. The debtor's pay

advices reflect gross income for August, 2010, of \$2,435.83 and gross income for September, 2010, through the September 16 pay date of 1,086.43. The debtor received one additional pay check in September, 2010, which is not included in her pay advices filed with the court. The trustee, therefore, believes that the Debtor does not meet the requirements for the fee waiver under 28 U.S.C. §1930(f)(1) because her monthly gross income exceeds the 150% poverty lever for her size household.

For the foregoing reasons, the Trustee requests that this objection be sustained, that the Debtor's application be denied and that the Debtor be ordered to pay the filing fee for this case.

*/s/ David O. Simon*

---

David O. Simon, Trustee  
1370 Ontario Street, Suite 450  
Cleveland, OH 44113-1744  
(216) 621-6201; Fax:(216) 575-1405  
[dsimon@epiqtrustee.com](mailto:dsimon@epiqtrustee.com)

### **CERTIFICATE OF SERVICE**

A copy of the foregoing Objection was served electronically on the U.S. Trustee and Diana Khouri, Esq., attorney for debtor and by regular mail on this 6<sup>th</sup> day of October, 2010, to:

Julie Margaret Weaver  
6084 Greenview Trail  
North Ridgeville, OH 44039

*/s/ David O. Simon*

---

David O. Simon